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REMARKS

The present Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-20 are pending in the application.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 11, 17 and 18 under 35 U.S.C. § 102(e), as being anticipated by Haimi-Cohen (US 6,233,320). Applicant respectfully traverses this rejection in view of the remarks that follow.

As is well established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes each and every element of the claim.

Applicant respectfully asserts that the Haimi-Cohen does not teach or disclose at least the following claimed elements of independent claims 1, 11 and 17: "a first active link" and "a second active link" of a wireless communication system. Further, claims 1 and 17 do not teach "a subscriber." Thus, the Examiner has failed to establish *prima facie* showing as required by M.P.E.P § 2142.

Specifically, Applicant respectfully asserts that Haimi-Cohen may disclose a first active link of a wireless communication system by assuming that the far-end packet received from a wireless telephone. However, Haimi-Cohen does not teach or disclose a second active link of a wireless communication system. Near-end packets received from the internal

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connection of the Haimi-Cohen telephone can be considered as a link of a wireless communication system.

Additionally or alternatively, according to Applicant the subscriber is defined at least by the following: "the subscriber may have a subscription to the conversation recording service of the wireless communication system" (see page 8 lines 8-15). Further, according to the American Heritage Dictionary, to subscribe is defined as:

1.
 - a. To contract to receive and pay for a certain number of issues of a publication, for tickets to a series of events or performances, or for a utility service, for example.
 - b. To receive or be allowed to access electronic texts or services by subscription.
2. To promise to pay or contribute money: *subscribe to a charity.*
3. To feel or express hearty approval: *I subscribe to your opinion. See Synonyms at assent.*
4. To sign one's name.
5. To affix one's signature to a document as a witness or to show consent.

Applicant respectfully asserts that Haimi-Cohen does not teach or disclose a subscriber and that the description of column 6 lines 29-34 does not indicate that the recorded packets are sent to a subscriber by playing the conversation as asserted by the Examiner.

Accordingly, Applicant respectfully asserts that a *prima facie* case of anticipation of independent claims 1, 11 and 17 and cannot be established, and independent claims 1, 11 and 17 are allowable.

Applicant notes that claim 2 depends from patentable base claim 1 and claim 18 depends from patentable base claim 17. Therefore, in addition to any independent bases for patentability, claims 1 and 18 are patentable over the cited reference by virtue of at least such dependency.

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Accordingly, Applicant respectfully requests that the §102 rejection of claims 1, 2, 11, 17 and 18 be withdrawn.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 3-8, 10, 12-16, 19 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen in view of Barak et al. (US 6,792,093).

Applicants respectfully traverse the rejection of claims 3-8, 10, 12-16, 19 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen in view of Barak et al.

As discussed, claims 1, 11 and 14 are patentable over Haimi-Cohen. Barak does not cure the deficiencies of Haimi-Cohen. Each of claims 3-4, 5-8, 10, 12, 13, 15, 16, 19 and 20 depend from one of claims 1, 11 and 14, include at least all the limitations thereof, and are therefore likewise patentable over the cited prior art.

Regarding independent claims 6, 14 and 17, it is well established that obviousness requires a disclosing or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). (Further, as discussed above, claim 17 is allowable over Haimi-Cohen; Barak does not cure the deficiencies of Haimi-Cohen with regard to claim 17). Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Haimi-Cohen and Barak et al. does not disclose or suggest at least "...a first active link and a second active link of [a] wireless communication system...", as claimed in independent base claims 6, 14 and 17.

Each of claims 7-8 and 10 depend from claim 6, each of claims 12-13 depend from claim 11, each of claims 15-16 depend from claim 14 and each of claims 19-20 depend from claim 17. Thus, in addition to any independent bases for patentability, claims 7-8, 10, 12-13, 15-16 and 19-20 are similarly patentable over the cited references by virtue of at least such dependency.

Applicant requests that the Examiner withdraw the rejection of claims 3-8, 10, 12-16, 19 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen in view of Barak et al.

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In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen in view of Barak et al. and in further view of Liu et al. (US 6,434,139).

Applicant respectfully traverses the rejection of claim 9 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen in view of Barak et al. and in further view of Liu et al.

Claim 9 depends from patentable base claim 6, which, as discussed, is patentable over Haimi-Cohen and Barak. Liu does not cure the deficiencies of Haimi-Cohen and Barak. In addition to any independent bases for patentability, Applicant respectfully submits that claim 9 is patentable over the cited reference by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103 rejection of claim 9 be withdrawn.

In view of the foregoing remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Response, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper; however if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

/Caleb Pollack/
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